

Senate File 2154 - Introduced

SENATE FILE 2154

BY RIELLY

(COMPANION TO LSB 5995HH BY T.
OLSON)

A BILL FOR

1 An Act relating to the manufacture and sale of native distilled
2 spirits, and establishing a related permit fee and excise
3 tax.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.32, subsection 1, Code Supplement
2 2009, is amended to read as follows:

3 1. *Filing of application.* An application for a class "A",
4 class "B", class "C", or class "E" liquor control license, for
5 a class "A" native distilled spirits permit, for a retail beer
6 permit as provided in sections 123.128 and 123.129, or for a
7 class "B", class "B" native, or class "C" native retail wine
8 permit as provided in section 123.178, 123.178A, or 123.178B,
9 accompanied by the necessary fee and bond, if required, shall
10 be filed with the appropriate city council if the premises for
11 which the license or permit is sought are located within the
12 corporate limits of a city, or with the board of supervisors
13 if the premises for which the license or permit is sought are
14 located outside the corporate limits of a city. An application
15 for a class "D" liquor control license and for a class "A"
16 beer or class "A" wine permit, accompanied by the necessary
17 fee and bond, if required, shall be filed with the division,
18 which shall proceed in the same manner as in the case of an
19 application approved by local authorities.

20 Sec. 2. NEW SECTION. 123.43A **Native distilled spirits —**
21 **permit — excise tax.**

22 1. Subject to rules of the division, a manufacturer of
23 native distilled spirits holding a class "A" native distilled
24 spirits permit pursuant to this section may sell, keep, or
25 offer for sale native distilled spirits. As provided in
26 this section, sales may be made at retail for off-premises
27 consumption when sold on the premises of the manufacturer of
28 the native distilled spirits. Any other sale shall only be
29 made to the division for wholesale disposition and sale by the
30 division.

31 2. For the purposes of this section, "*native distilled*
32 *spirits*" means distilled spirits fermented, distilled, or, for
33 a period of two years, barrel-matured by a distillery located
34 in this state.

35 3. A manufacturer of native distilled spirits shall not

1 manufacture more than fifty thousand proof gallons annually,
2 and shall not sell more than one and one-half liters per person
3 per day, of native distilled spirits on the premises of the
4 manufacturer. In addition, a manufacturer shall not directly
5 ship native distilled spirits for sale at retail. For each
6 proof gallon sold at retail in a month, the manufacturer of
7 native distilled spirits shall remit an excise tax per proof
8 gallon to the division on or before the tenth day of the
9 following month. For purposes of this section, the excise tax
10 shall be in an amount equal to fifty percent of the wholesale
11 price per proof gallon that would have been paid by the
12 division for the native distilled spirits. All revenue derived
13 from the excise tax shall be deposited in the general fund of
14 the state.

15 4. A manufacturer of native distilled spirits shall not
16 sell native distilled spirits other than as permitted in this
17 chapter and shall not allow native distilled spirits sold to
18 be consumed upon the premises of the manufacturer. However,
19 prior to sale, native distilled spirits may be sampled on the
20 premises where made, when no charge is made for the sampling.

21 5. A class "A" native distilled spirits permit for a
22 native distilled spirits manufacturer shall be issued and
23 renewed annually upon payment of a fee of five hundred
24 dollars. The class "A" permit shall allow the native distilled
25 spirits manufacturer to sell, keep, or offer for sale the
26 manufacturer's native distilled spirits as provided under this
27 section.

28 6. Section 123.43 shall not apply to a manufacturer of
29 native distilled spirits under this section.

30 7. The sale of native distilled spirits to the division for
31 wholesale disposition and sale by the division shall be subject
32 to the requirements of this chapter regarding such disposition
33 and sale.

34 EXPLANATION

35 This bill relates to the manufacture and sale of native

1 distilled spirits, and provides for the obtaining of a class
2 "A" native distilled spirits permit.

3 The bill provides that a manufacturer of native distilled
4 spirits may sell, keep, or offer for sale native distilled
5 spirits for off-premises consumption through sales on the
6 manufacturer's premises. The bill restricts any other form
7 of sale to sales made to the alcoholic beverages division for
8 wholesale disposition and sale by the division. The bill
9 defines "native distilled spirits" to mean distilled spirits
10 fermented, distilled, or barrel-matured for two years by a
11 distillery located in Iowa.

12 The bill provides that a manufacturer shall not manufacture
13 more than 50,000 proof gallons of native distilled spirits on
14 the premises of the manufacturer, annually. In addition, the
15 manufacturer shall not sell more than 1.5 liters per person per
16 day. The bill also imposes an excise tax of 50 percent of the
17 wholesale price per proof gallon to be deposited in the general
18 fund of the state. The bill specifies that a manufacturer
19 shall not allow native distilled spirits sold to be consumed
20 upon the premises of the manufacturer, but that prior to sale
21 they may be sampled on the premises where made, when no charge
22 is made for the sampling.

23 The bill provides for a new permit applicable to native
24 distilled spirits, requiring a fee of \$500 for initial issuance
25 and annual renewal. The class "A" native distilled spirits
26 permit allows a manufacturer to sell, keep, or offer for sale
27 the manufacturer's native distilled spirits.

28 The bill also provides that the sale of native distilled
29 spirits to the alcoholic beverages division for wholesale
30 disposition and sale by the division shall be subject to the
31 requirements of Code chapter 123 relating to liquor sales and
32 distribution by the division.

33 The bill provides that a manufacturer of native distilled
34 spirits is not considered a manufacturer pursuant to Code
35 section 123.43.